

**From:** Scott Turner  
**To:** Microsoft ATR  
**Date:** 1/23/02 9:17pm  
**Subject:** Microsoft Settlement

I am a software developer with 20 years' experience, currently supporting a product which operates in several environments, including Microsoft and Unix operating systems.

The proposed Final Judgment (PFJ) is unsatisfactory in a number of ways. Particularly troubling are the large number of exceptions to its enforcement provisions, which appear likely to block needed remedies.

Given Microsoft's existing monopoly, aggressive business tactics, and past violation of antitrust laws, a proper remedy would provide more than enforcement of just the provisions which Microsoft was found to violate in the past. Yet part III (Prohibited Conduct) deals primarily with those past practices, in an industry which is steadily changing in ways shaped by Microsoft itself. In this context, I note the provisions of IV.A.3 and IV.B.9 which hobble the Plaintiffs and the TC so that, should the Plaintiffs receive information as a result of the PFJ of further violations of antitrust laws which happen to be beyond the scope part III, the information cannot be disclosed.

This appears to lend Microsoft some real protection from prosecution by the U.S. DOJ for future antitrust violations.

The open standards which lubricate the software industry (for example, HTML) have been increasingly usurped by the tactics of powerful corporations such as Microsoft. This is the environment in which I work, and seek to develop useful products. The case against Microsoft held the hope of cleaning up this business environment, but the proposed Final Judgment is not up to the task.

Prescott K. Turner, Jr.  
13 Burning Tree Rd.  
Natick, MA 01760  
p.turner@computer.org

--

Scott Turner  
p.turner@computer.org      <http://www.billygoat.org/pkturner>